

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JUNIOR ABREU, et al.,

Plaintiffs,

V.

**RAHWAY POLICE DEPARTMENT,
et al.,**

Defendants.

Civil Action No. 16-4894 (KM) (MAH)

ORDER

This matter having come before the Court for a status conference held on the record on September 5, 2023;

and Plaintiffs having filed a motion to reopen this case on June 14, 2023, D.E. 11, and Defendants City of Rahway and Rahway Police Department having cross-moved to dismiss Plaintiff's Complaint on July 24, 2023, D.E. 17;

and during today's status conference, Defendants having requested that the Court stay discovery in this matter under after the motion to dismiss is decided;

and Plaintiffs having opposed that request;

and the Court having heard argument from the parties regarding their positions on whether the Court should enter a stay pending resolution of Defendants' motion to dismiss;

and for the reasons set forth on the record, the Court finds that there is good cause to stay discovery during the pendency of the motion;¹

¹ Courts generally consider the following factors when determining whether to stay a matter pending the resolution of a dispositive motion:

IT IS ON THIS 5th day of September 2023,

ORDERED that Plaintiff's opposition to Defendant's motion to dismiss is due not later than **September 19, 2023** and Defendant's reply brief is due by **October 3, 2023**; and it is further

ORDERED that discovery in this matter is stayed pending adjudication of Defendants' motion to dismiss; and it is further

ORDERED that within fourteen days (14) of the District Court's ruling on the motion to dismiss, if any portion of this case remains, the parties shall file a jointly proposed scheduling order.

s/ Michael A. Hammer

United States Magistrate Judge

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- (1) whether a stay would unduly prejudice or present a clear tactical disadvantage to the non-moving party; (2) whether denial of the stay would create a clear case of hardship or inequity for the moving party; (3) whether a stay would simplify the issues and the trial of the case; and (4) whether discovery is complete and/or a trial date has been set.

Udeen v. Subaru of Am., Inc., 378 F. Supp. 3d 330, 332 (D.N.J. 2019). In addition to the consideration of those factors, it is well-settled that "it may be appropriate to stay discovery while evaluating a motion to dismiss where, if the motion is granted, discovery would be futile." *Mann v. Brenner*, 375 F. App'x 232, 239 (3d Cir. 2010).